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16 *Digital Persona, Inc.*

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN FRANCISCO DIVISION

17 SAFLINK CORP.,

18 Plaintiff,

19 v.

20 DIGITAL PERSONA, INC.,

21 Defendant.

Case No. C-05-1554-MMC

**STIPULATION AND [PROPOSED]  
ORDER RE: DATES FOR FILING  
CLAIM CONSTRUCTION BRIEFS**

## STIPULATION

WHEREAS, the parties in this patent-infringement action have reached an agreement in principle, subject to the drafting and execution of final documents, which will resolve the litigation; and

WHEREAS, the parties have exchanged drafts of those final documents, but require some additional time to complete those documents; and

WHEREAS, under the existing schedule, Digital Persona's Responsive Brief on Claim Construction pursuant to Patent L.R. 4-5(b) is due today, March 6, 2006; SAFLINK's Reply Brief on Claim Construction pursuant to Patent L.R. 4-5(c) is due on March 13, 2006; and the claim construction hearing is set for March 27, 2006; and

WHEREAS, the parties jointly desire that the preceding briefing dates be continued for one additional week, and that the claim-construction hearing also be continued for one additional week, or as soon thereafter as is convenient for the Court, to allow the parties to complete those final settlement documents which, upon execution, would obviate the need for any briefing or hearing;

NOW THEREFORE, the parties hereby stipulate, and jointly request that the Court order, that the dates for filing their claim construction briefs pursuant to Patent L.R. 4-5 be continued by one week to March 13, 2006 (Responsive Brief) and March 20, 2006 (Reply Brief), and that the Court continue the claim construction hearing until April 3, 2006, or such date thereafter as is convenient for the Court.

Respectfully submitted,

Dated: March 6, 2006

MORRISON & FOERSTER LLP

By: \_\_\_\_\_ /S/  
Richard S. J. Hung

*Attorneys for Plaintiff/Counterdefendant  
SAFLINK CORP.*

1 Dated: March 6, 2006

KEKER & VAN NEST LLP

2 By: \_\_\_\_\_/S/

3 David J. Silbert

4 *Attorneys for Defendant/Counterclaimant*  
5 *DIGITAL PERSONA, INC.*

6 I attest that Richard S.J. Hung has authorized me to electronically sign this document on  
7 his behalf.

8  
9 Dated: March 6, 2006

KEKER & VAN NEST, LLP

10 By: \_\_\_\_\_/S/

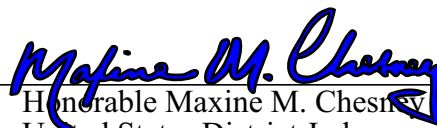
11 David J. Silbert

**[PROPOSED] ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED that:

- Digital Persona shall file its Responsive Brief on Claim Construction on or before March 13, 2006;
- SAFLINK shall file its Reply Brief on Claim Construction on or before March 20, 2006; and
- The claim construction hearing is continued from March 27, 2006 to April 3, 2006, at 9:00 a.m.

Dated: March 10, 2006

  
Honorable Maxine M. Chesney  
United States District Judge